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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

PATRICK LEE DOWELL ROLLINS,

Defendant and Appellant.

C090602

(Super. Ct. No. 18CF07477)

Appointed counsel for defendant Patrick Lee Dowell Rollins asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

In the early morning hours of December 7, 2018, a patrol officer saw defendant driving an older green Honda sedan and observed that the license plate had an incorrect registration sticker and that the reflective coating on the plate was peeling off. Defendant increased his speed, drove erratically, made evasive turns through residential neighborhoods, and ran through a stop sign.

The patrol officer activated his vehicle's lights and sirens but defendant refused to yield. Defendant accelerated to 70 miles per hour. When a vehicle driving in the opposite direction passed defendant, defendant slammed on his brakes, nearly causing a collision with the patrol officer.

Defendant drove into an orchard where his car began to skid. He jumped out of the vehicle and ran through a residential backyard, falling into a swimming pool and then continuing to run with the patrol officer in pursuit. Defendant jumped over a fence but eventually stopped and surrendered. He identified himself and told the officer he had an outstanding Post Release Community Supervision warrant for his arrest, which the officer confirmed.

The patrol officer searched defendant and found 2.83 grams of methamphetamine on defendant's person, along with a stun gun. Inside defendant's car, the officer found two airsoft guns, a large knife, hand and power tools, a chainsaw, and a climbing harness. The officer determined that the vehicle defendant was driving had been reported stolen.

The People charged defendant with numerous crimes including reckless evading a peace officer. Defendant asked the trial court to set aside the information, but the trial court denied the motion. When defendant's trial counsel raised a doubt as to defendant's competence to stand trial, the trial court appointed Dr. Don Stembridge to examine defendant pursuant to Penal Code section 1368. The trial court ultimately found defendant competent to stand trial.

Defendant pleaded no contest to felony reckless evading a peace officer. In exchange, the People moved to dismiss the remaining charges and allegations with a *Harvey*¹ waiver and the trial court granted the motion. Defendant applied for mental health diversion under Penal Code section 1001.36, but the trial court denied his

¹ *People v. Harvey* (1979) 25 Cal.3d 754.

application and sentenced defendant to the upper term of three years in state prison, awarding defendant 365 days of presentence credit and ordering him to pay various fines and fees. Defendant did not obtain a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MAURO, J.

We concur:

/S/
BLEASE, Acting P. J.

HOCH, J.